

THE CHANCELLOR:

The evidence in this cause has been very fully discussed by the counsel of the parties in their written arguments; but I do not deem it necessary to enter into a detailed examination of it. Much time and space would be consumed in such an investigation, and as each case, depending upon facts, must be governed by its own peculiar circumstances, and no general principles could be deduced from a statement of those portions of the evidence upon which my judgment in this case is founded, I shall refrain from doing more than simply to announce the conclusion to which I have come.

The question, and the only question, is, whether the complainant has succeeded in bringing her case within the 3d section of the act of 1841, ch. 262, which specifies the causes for which divorces, *a mensa et thoro*, may be decreed. The first of these causes is "cruelty of treatment," and that being the ground relied upon here, the counsel on both sides have examined the evidence, to sustain and repel the charge, very elaborately. I consider it sufficient to say, that upon a very careful reading of the pleadings and proofs, and the arguments of the solicitors of the parties, and upon full and attentive consideration of every circumstance, my judgment is, that a case of "cruelty of treatment" as those terms in the act of assembly are to be understood, has been made out, and, consequently, that the complainant is entitled to relief. Giving to those words, the meaning which has been attributed to them in the ecclesiastical courts, or to the equivalent language of the statute of New York, by an eminent judge of that state, the result is as I have stated it.

The conduct of the husband here has been, not only such as to furnish well grounded apprehensions of bodily hurt, but has been brutal, and inhuman in the extreme. The marks of violence upon the person of the wife—the blood streaming from her head, where the hair had been torn out—her flying, terror stricken, from the house, by night and by day—his chasing her with a gun—pointing it at her—declaring upon one occasion, he would blow her brains out, (all of which appears by evi-